

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

United States of America,

Plaintiff,

v.

Frank Alvarez,

Defendant.

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No. 10-00320-16-CR-W-DGK

ORDER

Pending before the Court are Defendant's Motion to Dismiss for Fraud upon the Court (Doc. 279) and United States Magistrate Judge Robert E. Larsen's Report and Recommendation recommending that the motion be denied (Doc. 281).

After carefully reviewing the Magistrate's report and conducting an independent review of the record and applicable law, it is hereby ORDERED that Magistrate Judge Larsen's Report and Recommendation be ADOPTED. Defendant's Motion (Doc. 279) is hereby DENIED.

IT IS SO ORDERED.

Date: August 12, 2011

/s/ Greg Kays

GREG KAYS, JUDGE

UNITED STATES DISTRICT COURT